

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 AUG 11 '08 MJ 2480

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Calixtro ALVAREZ-Oliveros,

Defendant

Magistrate Docket No.

COMPLAINT FOR VIOLATION OF:Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **August 10, 2008**, within the Southern District of California, defendant, **Calixtro ALVAREZ-Oliveros**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT

 Ismael A. Canto
 Senior Patrol Agent

 SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 11th DAY OF August 2008.


 Anthony J. Battaglia

UNITED STATES MAGISTRATE JUDGE

8/10/08 gr

PROBABLE CAUSE STATEMENT

On August 10, 2008, at approximately 08:20 AM, Border Patrol Agent R. Tong was conducting linewatch operations in the Imperial Beach Border Patrol Station area of operations. While patrolling the area, Agent Tong noticed three individuals attempting to conceal themselves in the thick brush in an area known as the "17 Ditch Line". This area is approximately four miles west of the San Ysidro California Port of entry and two miles north of the United States/Mexico International Boundary fence. After a brief search of the area Agent Tong was able to locate the three individuals concealing themselves in the dense brush. Due to the time of day, and the fact that this area is commonly used by undocumented immigrants to further their illegal entry into the United States, Agent Tong identified himself as a United States Border Patrol Agent, and conducted an immigration inspection on all three individuals. The individuals, including one later identified as the defendant **ALVAREZ-Oliveros, Calixtro** admitted to being citizens and nationals of Mexico, and were not in possession of any immigration documents that would allow them to legally enter or remain in the United States. The three subjects were arrested at approximately 8:30 AM and transported to Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on May 6, 2002 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States.